

STATE OF INDIANA ) IN THE ELKHART COUNTY SUPERIOR COURT 3  
 )SS:  
COUNTY OF ELKHART ) CAUSE NO. 20D03-1504-PL- 12

JOHN K. DREWNO and  
TINA DREWNO  
20474 DIAMOND SHORES DR.  
CASSOPOLIS, MI 49031

Plaintiffs,

vs.

MARVIN WINDOWNS & DOORS, INC.  
801 MN-11  
WARROAD, MN 56763,

QUALITY WINDOW & DOOR, INC.  
27888 CR 32 West  
ELKHART, IN 46517,

BIG C LUMBER CO., INC.,  
as successor in interest to  
MICHIANA TRUSS COMPANY  
50860 PRINCESS WAY,  
GRANGER, IN 46530

and

CERTAINTIED CORPORATION  
803 BELDEN ROAD  
JACKSON, MI 49203

Defendants.

### COMPLAINT

Plaintiffs John K. Drewno and Tina Drewno (together, "the Drewnos"), for their  
complaint against Defendants, state as follows:

### **BACKGROUND**

1. The Drewnos reside at 20474 Diamond Shores Drive, Cassopolis, Michigan 49031, ("the Home").
2. Defendant Marvin Windows & Doors, Inc. ("Marvin") is a Minnesota corporation that does business in Elkhart County, Indiana.

3. Defendant Quality Window & Door, Inc. ("Quality") is an Indiana corporation with offices in Elkhart County, Indiana and doing business in Elkhart County, Indiana.

4. Defendant Big C Lumber Co., Inc., ("Big C") is an Indiana corporation with offices in Elkhart County, Indiana and doing business in Elkhart County, Indiana.

5. Big C is the successor in interest of Michiana Truss Co., formerly of Dowagiac, Michigan, and is liable for the obligations of Michiana Truss Co.

6. Defendant CertainTeed Corporation is a Pennsylvania Corporation with offices in Jackson, Michigan.

7. The Drewnos contracted for the construction of the Home in 2004.

#### **COUNT I BREACH OF AGREEMENT**

8. Defendants supplied materials and services for construction of the Home.

9. The Defendants agreed to supply material and services to the Drewnos with professional skill and care.

10. The Drewnos performed all of their obligations to Defendants, including paying for the services and materials the Defendants were to supply.

11. Defendants breached their obligations to the Drewnos by failing to properly provide, design or install the required services and materials, and by doing so proximately caused damages to the Drewnos and the Home in an amount to be proven at trial.

12. The Drewnos did not discover the Defendants' breaches until recently.

#### **CONCLUSION**

Plaintiffs request judgment in their favor and against Defendants in an amount to be proven at trial, and all other appropriate relief.

#### **COUNT II NEGLIGENCE**

13. The Drewnos reallege paragraphs 1 through 12.

14. The Defendants negligently provided, designed or installed the required services and materials, and by doing so proximately caused damages to the Drewnos and the Home in an amount to be proven at trial.

15. The Drewnos did not discover the Defendants' negligence until recently.

### **CONCLUSION**

Plaintiffs request judgment in their favor and against Defendants in an amount to be proven at trial, and all other appropriate relief.

### **COUNT III BREACH OF WARRANTY**

16. The Drewnos reallege paragraphs 1 through 15.

17. The Defendants breached their implied warranties of habitability and to provide materials and services in a workmanlike manner to the Drewnos.


18. The Drewnos did not discover the Defendants' breaches of warranty until recently, and gave the Defendants the opportunity to cure the breaches. Defendants did not do so.

19. The Defendants breaches of warranties proximately caused damages to the Drewnos and the Home in an amount to be proven at trial.

### **CONCLUSION**

Plaintiffs request judgment in their favor and against Defendants in an amount to be proven at trial, and all other appropriate relief.

Dated: April 15, 2015

  
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Shawn P. Ryan (#15832-20)  
220 W. Colfax Ave., Suite 100  
South Bend, IN 46601  
(574) 289-0909  
Attorney for Plaintiffs

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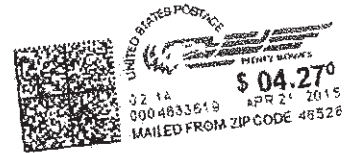
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